

**City of York Board of Zoning Appeals
Minutes
December 13, 2021**

Members Present:

Chairperson James Ramere
Becca Caldwell
Rodney Blair
Jill Neff
Myra Sinz
Strauss Shiple

Members absent:

Bryant Brown

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
City Manager Duncan
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

The first item of business was approval of the draft Minutes from the November 8, 2021 meeting. Upon a Motion by Becca Caldwell, seconded by Strauss Shiple, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

The second item of business was a special exception application for the proposed McFarland Estates Subdivision (pending resolution of rezoning and annexation applications).

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business was a special exception application for the proposed McFarland Estates Subdivision located at the intersection of Devinney Road and McFarland Road (pending the resolution of rezoning and annexation applications).
2. The applicant was McFarland Estates LLC and the property is referenced by York County Tax Map Id # 3460000006.
3. The property was currently located outside the City limits and zoned RD-I & RD-II by York County. The applicant desired R5- Multifamily Residential zoning upon annexation.
4. The applicant requested that the property be annexed and rezoned to R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council. At a recent meeting, the PC recommended that York City Council approve the rezoning request. The BZA should be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.

5. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the provided special exception application and conceptual site plan for a single-family dwelling subdivision to be located as referenced above.
6. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
7. At a recent meeting, the PC recommended that the BZA approve the special exception application and conceptual site plan as submitted.
8. As the special exception application and conceptual site plan are reviewed, the BZA must be mindful that, among other things, the following factors must be addressed in the decision-making process and in any Motion made on the subject:
 - The proposed design and location of the particular development.
 - The possible traffic-generating characteristics of the proposed development.
 - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - The availability of public utilities, facilities and services.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this evening.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.
11. The BZA should be mindful that the BZA has a maximum of 75 days from the initial official meeting regarding this application to review and make a decision regarding this application; otherwise, the application is deemed approved.
12. If the application is denied, the same application cannot be submitted again for a period of at least one (1) year.
13. The applicant requested approval of the attached special exception application, conceptual site plan and supporting information.
14. The BZA should be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Myra Sinz, the BZA unanimously conditionally approved the application stating the following:

- Type B bufferyard must be added to the east side of the subdivision along property line
- No on-street parking is allowed
- Must have rezoning and annexation application approvals from City Council

The third item of business was review and approval of the 2022 meeting calendar.

Upon a Motion by Becca Caldwell, seconded by Rodney Blair, the BZA unanimously approved the 2022 meeting calendar.

There being no further business, the meeting was adjourned at 6:30 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP
Planning Director

cc: City Manager Seth Duncan
File- Board of Zoning Appeals 12/13/2021